

THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TIMOTHY DIETZ,

Plaintiff,

v.

QUALITY LOAN SERVICE CORP. OF
WASHINGTON., et al.,

Defendants.

No.: 3:13-cv-05948-RJB

RESPONSE TO PLAINTIFF'S MOTION TO
ACCEPT SERVICE OF SUMMONS AS
BEING WAIVED

**NOTE ON MOTION CALENDAR:
September 12, 2014**

COMES NOWS defendant Quality Loan Service Corporation of Washington ("Quality") and McCarthy & Holthus, LLP ("M&H") and responds to the Plaintiff's motion for waiver of service [Dkt #44].

Plaintiff alleges that waiver of service forms, pursuant to FRCP 4(d), were submitted to Quality and M&H in February of 2014. No copies of those forms or proof of mailings are attached to the motion.

Plaintiff seeks a court order finding that service of the summons was effectuated on Quality and M&H when the waivers were sent, or alternatively that service was waived as of those dates. FRCP 4(d) does not provide for either of these forms of relief. Plaintiff's motion should be denied.

I. CONCLUSION

Plaintiff's motion should be denied.

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1 Dated: September 8, 2014

2 MCCARTHY & HOLTHUS, LLP

3 /s/ Joseph Ward McIntosh

4 Joseph Ward McIntosh, WSBA #39470

5 Attorneys for Quality Loan Service Corp. of Washington and McCarthy & Holthus, LLP